

November 6, 2008

Patricia Kurkul
Regional Administrator
Northeast Regional Office
National Oceanic and Atmospheric Administration
1 Blackburn Drive
Gloucester, Massachusetts 01930

Re: Draft Amendment 3 to the Fishery Management Plan (FMP) for the Northeast Skate Complex and Draft Environmental Impact Statement (DEIS) (CEQ# 20080375)

Dear Administrator Kurkul:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Environmental Impact Statement (DEIS) for Draft Amendment 3 to the Fishery Management Plan (FMP) for the Northeast Skate Complex. Based on our review of the DEIS we have no objections to the project as described and we rate this EIS "LO-1 - Lack of Objections--Adequate" in accordance with EPA's national rating system, a description of which is attached to this letter.

We offer the following comments for your consideration as you work to develop the FEIS for the project:

- The DEIS states that no changes to skate EFH descriptions or designations are proposed. The environmental impacts of the different alternatives with regards to EFH are not developed in the DEIS and do not provide a clear basis for choice among alternatives. We encourage you to include this information in the FEIS.
- The DEIS states that discards/by-catch of other fish and shellfish have not been estimated and are unpredictable. We believe the FMP should be structured to minimize discards. While both the Target Tac approach and the Hard Tac approach have the potential to increase skate discards, EPA supports the Target Tac approach because it is anticipated to result in a less dramatic increase than the Hard Tac approach.
- EPA recommends Alternative 2 (Option 1) as the preferred alternative. This alternative includes: time/area closures which may be beneficial during spawning, migration, foraging and nursery activities; and a prohibition on using

Multispecies Category B DAS to fish for skates. Also, we recommend Alternative 2 (Option 1) because it could have a relatively smaller effect on sea turtles than Option 2. This option also appears to have a better potential to prevent overfishing of larger skates (e.g. winter skates).

Thank you for the opportunity to review the Northeast Skate Complex DEIS. Please contact Timothy Timmermann of EPA's office of Environmental Review at (617) 918-1025 with any questions or comments.

Sincerely,

/s/

Robert W. Varney
Regional Administrator

enclosure